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THE RISE AND FALL OF THE NOMINATING CAUCUS, LEGISLATIVE AND CONGRESSIONAL

I.

It is proposed in the present study to bring together into one sketch the facts relating to the development of that extra-constitutional institution which was the cradle of the organization of American parties. There were formed and fixed those characteristics, which, notwithstanding the profound changes wrought by subsequent growth, were destined permanently to distinguish the political life of America, which runs through the mould of party organization. Thus my purpose is to reconstruct a page of institutional history. By saying this I am at once defining the exact signification of the word caucus, that at least which comes under the grasp of the historian, as opposed to the somewhat loose acceptations in which the term is currently employed. Writers often, in referring to the caucus, quote John Adams as follows: "Our revolution was effected by caucuses. The federal constitution was formed by caucuses, and the federal administrations, for twenty years, have been supported or subverted by caucuses. There is little more of the kind now than there was twenty years ago. Alexander Hamilton was the greatest organist that ever played upon this instrument." After having recalled the intrigues to which Hamilton lent himself against him (Adams) and the cabals which took place over the presidential elections, he adds: "This detail sufficiently shows that caucuses have been from the beginning. There is, no doubt, some regard to public good in the prosecution of these measures. They are considered as necessary. There is also ambition, avarice, envy, jealousy and revenge. As these causes, good and bad, have hitherto produced such combinations, and as these causes will continue to the end of the world, we may presume the combinations will continue too. . . . You cannot prevent them any more than you can prevent gentlemen from conversing at their lodgings." These lines, written in 1808,¹ when the nominating caucus was not yet fully developed, have, as a matter of fact, no bearing upon and no con-

¹ In the "Review of Propositions for Amending the Constitution, submitted by Mr. Hillhouse to the Senate of the United States," and found in the papers of John Adams (*Works*, Vol. VI.).

nection with it. Adams was only speaking of the secret understandings, the political meetings, often tainted with intrigue, the cabals. Used in this sense the caucus indeed presents nothing either novel or specific. The historian who should turn his investigations in this direction might as well undertake to write the history of human deceit or of human spite. One would not have to begin with the time of the Revolution; one could trace the origin of the caucus to a date far anterior. To be precise, the beginning would have to be carried back to the garden of Eden, where the first caucus was held by Eve and the serpent.

But the more or less secret political confabulations which were first designated by the term caucus, constitute in no way the essential nor even necessary characteristic of those more or less representative meetings whose object is to decide on behalf of the community upon questions relating to public affairs, and, in particular, to elective appointments. Those meetings, to which the earlier term caucus was transferred because they had been inaugurated behind the scenes, have two distinctive characteristics: the first is the quasi-representative character which they, rightly or wrongly, assume, and which gives them, or seems to give them, the right to consider matters of general concern; the second distinguishing characteristic is the sanction attached to their decisions, which, once given, are *eo ipso* considered as binding not only on those present, not excepting the minority who have contested their passage, but on all those whom the meeting is supposed to represent. This sanction has indeed no legal authority, but the universal acquiescence gives it a weight not less grave; it has become a part of the public conscience of that particular political society who form the United States. If this character of the caucus establishes the jurisdiction of the historian over it, it equally affords an indication and almost points out his path to the public man or at least to the public-spirited man preoccupied with the working of the political system and its difficulties and shortcomings,—to the *reformer*, as the phrase goes. If the authority of the caucus, and in particular, its binding power which acquires a lien upon the conscience of the individual citizen, to the point of depriving him of the full exercise of his rights as an elector, is but the result of a public opinion which shapes and unshapes itself through the action of divers influences, in the progress of time—if, in a word, it is but the effect of a certain phase of the evolution of political society, nothing forbids the reformer, and it may be that many considerations command him, to strive to give a new direction to public opinion, without allowing himself to be checked by fatalistic arguments derived from “human nature.”

For this twofold reason the history of the nominating caucus cannot fail to interest the historian as well as the politician. In presenting it to the readers of this REVIEW, I make no pretension to bring out new facts ; my ambition will have been realized if I have grouped and connected the facts with more method than has, on certain points, been done hitherto.

II.

With the development of parties during Washington's administration, the system of formal nominations of the candidates of parties for elective offices also developed, but the integration, from within the parties, of permanent organizations which should serve as regular nominating bodies was somewhat slow. Indeed at the outset the parties had no need of a rigid structure, for the reason that the number of voters was generally limited by the qualifications for the franchise, that the elective offices were not numerous, and finally because in American society, especially in New England, there was still a ruling class, that is to say, groups of men who, owing to their character, their wealth, and their social position, commanded the confidence of their fellow-citizens and made them accept their leadership without a murmur. The candidates were nominated in town meetings or county meetings, but in reality these general gatherings simply ratified selections made beforehand by the small coteries of leaders in their private caucuses. In Pennsylvania, where the strife of factions was particularly keen, a rough outline of an elective organization of parties appeared sooner than elsewhere, but for a considerable time it proceeded by uncertain and unconnected spurts in which it would be difficult to discover a regular evolution. We do find at a pretty early stage traces of meetings composed of delegates who were supposed, more or less rightly, to have been chosen by their respective townships ; but more often these county meetings, where candidatures were adopted, were mass meetings open to all, in which the people of the neighborhood were numerous, while the inhabitants of the more remote localities were barely represented. To nominate candidates for elective offices which went beyond the limits of the county, the views of the inhabitants of various counties were often ascertained by means of a very extensive correspondence ; a number of circulars were despatched, and from the replies received a list was drawn up of the candidates who had received the most votes, and it was returned by the same channel for ratification by the counties. These consultations were led by a few public-spirited men with a taste for election work, who made themselves into a committee of correspond-

ence for the occasion. Side by side with this mode of proceeding another was also practised, which consisted in making the nomination of the candidates for the senate of the state or for the Federal Congress in conferences of representatives of various counties ("conferrees," "electors"), appointed for this purpose in county meetings, and of submitting the selections to the ratification of the general county meetings, which, as in the primitive democracies, theoretically retained their full powers. The practice of delegation gained ground, however, and in the first years of this century it seems to have been already fairly common in the counties. There were a few isolated attempts, the first of which even goes back to the year 1788,¹ to bring together delegates from the whole state for nominating candidates for Congress or for the electoral college entrusted with the election of the President and Vice-President of the United States.

But all these meetings of delegates were composed in an anything but regular way; too often the representation of different localities was neither complete nor direct. The decisions taken in them, however, were not binding, so to speak, on any one; at one time it was the leaders who, of their own authority, made modifications in the settled lists of candidates, according to the requirements of the electoral situation, at another the local voters recast the "ticket" as they thought proper; the distinction of parties even was not always observed, and mixed lists were made up. The candidates, in their turn, did not consider themselves bound by the nominations made, and often the competitors for elective offices who had not been accepted went on with their candidature just the same; they offered themselves directly to the electorate. This method of "self-nomination," very common in Pennsylvania down to the first years of this century, was still more so in other states, in Massachusetts, for instance.

It is not, therefore, these primitive conventions of delegates which were themselves without organization—created anew as they were in each special case and for the special occasion only, by the initiative of a private caucus, of a knot of politicians who bethought themselves to call such an assemblage, or by a public meeting of some town which invited its neighbors to send delegates to a common rendezvous—it is not these short-lived conventions that furnished a fixed form to the parties in their extra-constitutional existence, in

¹ Two more instances are perhaps to be found in Pennsylvania, during the twenty-five or thirty years after 1788, to wit, in 1792 and 1812. For the facts relating to these conventions and for the other antecedents of the organization of parties in Pennsylvania, see "Nominating Conventions in Pennsylvania," by J. S. Walton, *THE AMERICAN HISTORICAL REVIEW*, January, 1897.

which nomination to office was becoming the most important function. The extra-constitutional organization of the American parties started in a borrowed sphere, belonging to the constitutional structure, namely in the state legislatures and then in the Congress of the United States.

For the elective offices bestowed in each state by the whole body of its voters, such as the posts of governor and lieutenant-governor or the functions of presidential electors, the necessity of a preliminary understanding as to the candidates was still greater than for the smaller territorial units, and it could only be suitably effected in a single meeting for the whole state. But to organize such general meetings of representatives of all the localities in a regular way was by no means easy in ordinary times, both on account of the means of communication in those days, which made a journey to the capital of the state a formidable and almost hazardous undertaking, and of the difficulty of finding men of leisure willing to leave their homes for the discharge of a temporary duty. However, men enjoying the confidence of the voters of the state were already assembled in the capital in pursuance of their functions of members of the legislature. Were they not in the best position for bringing before their constituents the names of the candidates who could command the most votes in the state? This reflection occurred to the public, and in particular to the members of the state legislatures themselves, and they laid hands on the nomination of the candidates to the state offices. The members of both houses belonging to the same party met semi-officially, generally in the legislative building itself, made their selections and communicated them to the voters by means of a proclamation, which they signed individually. Sometimes other signatures of well-known citizens who happened to be in the capital at that moment were added, to give more weight to the recommendation of the legislators. To make it more sure of prevailing, the latter soon adopted the system of corresponding committees, which devoted their energies throughout the state to the success of the list.

This practice of recommending candidates for the state, which rapidly became general in the whole Union, began very early. The first instance seems to be found in the state of Rhode Island in 1790, when the governor and lieutenant-governor were recommended in this way.¹ In the same year the rival parties nominated in a similar manner their candidates to the post of governor in Pennsylvania, in

¹ *The Development of the Nominating Convention in Rhode Island*, by Neil Andrews, jr., in *Publications of the Rhode Island Historical Society*, Vol. I., Providence, 1893.

joint meetings of the members of parties in the legislature and the constitutional convention, which was convoked at that time to give a new constitution to the state. In 1793 we find the members of the legislature making the nomination of the governor by themselves.¹ In 1795 the state of New York adopts this method to propose John Jay as governor.² After 1796 it appears as a settled practice in all the states. And in this way is introduced, for the first time, a permanent party organization, nestling under the wing of the legislatures and composed of their very elements. It rises above the more or less fortuitous town and county meetings, in which choice is made, either directly or in the second instance, of candidates for local elective offices, and in this respect it presents a somewhat striking analogy with the incipient organization of the revolutionary epoch, in which side by side with the corresponding committees of towns formed by the people, on the model of Boston, there were established in the various colonies, on the more aristocratic plan of Virginia, committees of correspondence appointed by the colonial assembly. The semi-official control of the selection of candidates for the higher offices assumed by the members of the state legislatures, was undoubtedly also tainted with "aristocratism," but the electoral body acquiesced in it with a fairly good grace. The legislature, after all, represented the most important elements of that body; it had a plentiful share of the men of the old "ruling class" who were still regarded as the natural leaders of society, and by the side of them an ever-growing proportion of young politicians thrown up by the democratic leaven which was continuously agitating the country. The action of these men seemed to offer more guarantees for a satisfactory choice and to present more respectability than the mass-meetings, or, as some thought, mob-meetings, in which candidates were selected for the other offices. The private character of the semi-official meetings in question held by the members of legislatures got them the nickname of "caucus," by analogy with the secret gatherings of the caucus started at Boston before the Revolution. The name of "legislative caucus" became their formal title in all the states. Besides the candidates for the offices of governor and lieutenant-governor, the legislative caucus also nominated the presidential electors, in cases where they were appointed by the people.³ But the nomination of candidates for the

¹ J. S. Walton, *Nominating Conventions in Pennsylvania*.

² J. D. Hammond, *The History of Political Parties in the State of New York*, Albany, 1842, I. 90.

³ It will be remembered that the legislatures of several of the states, availing themselves of that clause of the Constitution which left to the states the determination of the method by which the electors should be chosen, assumed to themselves the privilege of naming the electors in legislative session. In other states the legislatures confided it to the people.

functions of electors soon lost its importance, for in the meanwhile there had arisen within the Federal Congress a caucus which, like the legislative caucuses of the states, took in hand the nomination of candidates for the presidency and the vice-presidency and entered on a course in which the power conferred on the electors was destined to disappear.

III.

In the first two presidential elections the choice of candidates was, one may say, a foregone conclusion. The contest did not begin until the retirement of Washington. Elected in 1796, in spite of some intrigues within the ranks of the Federalists themselves, John Adams saw, as the election of 1800 approached, a stronger opposition raise itself against him. The lack of unanimity within the Federalist camp, aggravated by the confusion which was caused by the death of Washington, seriously compromised the chances of the Federalist party. The imminent danger of the success of Jefferson and the triumph of radicalism in the government appeared to the Federalists of the Congress to demand their intervention in the presidential election, from which the Constitution had carefully banished them. For some time past the Federalist members of the Congress, and the Senators in the first place, had been in the habit of holding semi-official meetings, to which the familiar name of caucus was applied, to settle their line of conduct beforehand on the most important questions coming before Congress.¹ The decisions

¹ According to the opinion generally received, these caucuses of the members of Congress appeared for the first time at the second session of the Eighth Congress. This date, which was given by Williams in his *Statesman's Manual* (I. 224) and has been accepted by later writers, among others by Professor Woodrow Wilson in his remarkable and fascinating work on *Congressional Government* (p. 328), should probably be rejected as too late. James McHenry, John Adams's war secretary, in a letter to his nephew, John McHenry, of May 20, 1800, explaining the circumstances in which it was decided to run Adams and Charles C. Pinckney for President without giving one a preference over the other, says: "The federal members of Congress held a caucus, *as it is called*, in which with very few exceptions it was determined" . . . (*Memoirs of the Administrations of Washington and John Adams*, by George Gibbs, II. 347). The very words *as it is called* show clearly that the caucus meeting referred to was not the first of its kind, that it was already an established practice described by a fixed term. Consequently caucuses of members of Congress had already been held at the first session of the Sixth Congress. Again the revelations or rather denunciations of Duane in the *Aurora* against caucuses give very definite indications that this practice originated still earlier: in the first session of the Fifth Congress. See the *Aurora* of February 12, February 15, and especially of February 19, 1800, where we find the following lines *à propos* of the Ross bill which had been discussed in caucus: "We noticed a few days ago the *Caucuses* (or secret consultations) held in the Senate Chamber . . . they were in the perfect spirit of a *Jacobinical conclave* . . . On this occasion it may not be impertinent to introduce an anecdote which will illustrate the nature of caucuses and show that our popular government may, in the hands of a faction, be as completely abused as the French

arrived at by the majority of the members present were considered as in honor binding the minority ; being consequently clothed with a moral sanction, they gave these confabulations an equitable basis and almost a legal authority. In this way there grew up at an early stage, at the very seat of Congress, an extra-constitutional institution which prejudged and anticipated its acts. It was now about to reach out still further and lay hold of a matter which was entirely beyond the competence of Congress. It appears that this was done at the instigation of Hamilton, who, being anxious to push Adams on one side and to prevent the election of Jefferson, wanted to get the electoral manoeuvre which he had hit upon for this purpose¹ sanctioned by a formal decision of the members of the party in Congress.² The latter took the decision, nominated in consequence the candidates for the presidency and vice-presidency of the Union, and agreed to try and get them accepted by the electors.³ This nomination became the precedent for a practice which com-

constitution has been by the self-created *consuls*. In the summer of 1798 . . . a caucus was held in the house of Mr. Bingham, in this city" (*i. e.*, Philadelphia); "it was composed of the members of the Senate, and there were present 17 members" (which would make more than half of the members of the Senate) . . . "Prior to the deliberations on the measures of *war, navy, army*, democratic proscription, etc., etc., it was proposed and agreed to that all the members present should solemnly pledge themselves to *act firmly* upon the measures to be agreed upon by the majority of the persons present at the caucus." The caucus was found to be divided into two factions, nine against eight. "This majority, however, held the minority to their engagement, and the whole seventeen voted in Senate upon all the measures discussed at the Caucus. Thus it is seen that a secret self-appointed meeting of seventeen persons dictated laws to the United States, and not only that nine of that seventeen had the full command and power over the consciences and votes of the other eight, but that nine possessed, by the turpitude of the eight, actually all the power which the Constitution declares shall be invested in the majority only."

It appears probable, however, that even this date, which would refer to the first session of the Fifth Congress, is still too late. Senator Smith, of Maryland, when defending the caucus against the attacks of its enemies in the Senate, March 18, 1824, and endeavoring to show that the practice had the authority of early precedent, said that he "believed the first embargo was agreed upon in caucus" (*Annals of Congress*, Eighteenth Congress, first session, I. 363). If the Senator from Maryland was speaking of the embargo of 1794, the caucus in question must have taken place in the first session of the Third Congress.

¹ According to the mode of voting then in force, the electors voted for two persons as President and Vice-President, without specifying which of the two they chose for President and which for Vice-President : the one who obtained the greatest number of votes became President. Hamilton's plan consisted in associating a second popular candidate (Pinckney) with Adams, and in recommending the electors, in order not to scatter their votes, to give both candidates an equal number of votes, in the hope that Adams, being one or two votes short, would be beaten by his colleague.

² Cf. Hamilton's letter to T. Sedgwick of May 4, 1800 (*The Works of Alexander Hamilton*, ed. by J. C. Hamilton, New York, 1856, VI. 436).

³ *Memoirs of the Administrations of Washington and John Adams*, by Geo. Gibbs, II. 347 ; *The Life and Correspondence of Rufus King*, New York, 1896, III. 238, 240.

pletely destroyed the whole scheme of the provisions of the Constitution for the election of the President. The electoral device adopted by the Federalist caucus became known through a private letter from one of its members to his constituents; the caucus took care not to give it out in its own name, it wrapped all its proceedings in profound secrecy. And when W. Duane denounced them in the passage just quoted from his paper *Aurora*, and attacked the practice of caucuses, the "Jacobinical conclave," he was called before the bar of the Senate for his "false, defamatory, scandalous and malicious" assertions, and barely managed to escape from the formal proceedings which had been taken against him. In the Anti-Federalist press of Boston a violent protest was also made against the "arrogance of a number of the Congress to assemble in an electioneering caucus to control the citizens in their constitutional rights."¹ But this did not prevent the Republicans themselves, the Anti-Federalist members of Congress, from holding a caucus, also secret, for the nomination of candidates to the two highest executive offices of the Union; they had only to concern themselves with the vice-presidency, however, since Jefferson's candidature for the first of these posts was a foregone conclusion.² It seems that Madison, the future President of the United States, took the leading part in this caucus.³

At the next presidential election, in 1804, the Congressional Caucus reappeared, but on this occasion it no longer observed secrecy. The Republican members of Congress met publicly and settled the candidatures with all the formalities of deliberative assemblies, as if they were acting in pursuance of their mandate. The Federalists, who were almost annihilated as a party since Jefferson's victory in 1801, gave up holding caucuses altogether. Henceforth there met only a Republican congressional caucus, which appeared on the scene every four years at the approach of the presidential election. To strengthen its action in the country it provided itself (in 1812) with a special organ in the form of a corresponding committee, in which each state was represented by a member, and

¹ The author of this attack, signed "Old South" (the pseudonym of Benjamin Austin, a well-known Republican writer), gives us on this occasion a good specimen of the style of the times. Addressing a Federalist writer who has given the news of the Federalist caucus, he reproaches him in these terms: "What! Decius! are you daring enough to arrest the votes of Americans by telling them that their servants in Congress have already decided the choice? Are you so abandoned as to stab the Constitution to its vitals by checking the free exercise of the people in their suffrage? If you *are* thus desperate . . ." etc. (quoted in Niles's *Weekly Register*, Baltimore, XXVI. 178).

² Niles, XXVII. 66.

³ Cf. *Annals of Congress*, sitting of the Senate, March 18, 1824, speech by Smith of Maryland.

which saw that the decisions of the caucus were respected. Sometimes the state caucuses intervened in the nomination of candidates for the presidency of the republic ; they proposed names, but in any event the Congressional Caucus always had the last word. Thus in 1808, with two powerful competitors for the succession to Jefferson, Madison and Monroe, both put forward in the influential caucus of Virginia, the Congressional Caucus pronounced for Madison, while taking the formal precaution to declare that the persons present made this recommendation in their "private capacity of citizens." Several members of Congress, who did not want to have Madison, appealed to the country, protesting not only against the regularity of the procedure of the caucus, but against the institution of the caucus itself.¹ The caucus none the less won the day, the whole party in the country accepted its decision, and Madison was elected.

The same thing took place in 1812 in spite of an attempted split in the state of New York, the legislature of which officially brought forward its illustrious statesman, De Witt Clinton, against Madison, who was seeking re-election. In vain did the legislature of New York, in a manifesto issued for the occasion, try to stir up local jealousies, by protesting against the habitual choice for the presidency of citizens of the states of Virginia, against the perpetuation of the "Virginia dynasty" ; in vain did it raise up the bitter feeling of state sovereignty, by pointing out that the nomination of a candidate for the presidency by an association of members of Congress, convened at the seat of government, was hostile to the spirit of the Constitution, which intended the President to be elected not by the *people* of the United States, in the sense in which they may be said to choose the members of the House of Representatives, but by the *states composing the Union in their separate sovereign capacities* ; in vain did it appeal to democratic susceptibilities by denouncing the usurpation by the coterie of the Congressional Caucus of a right belonging to the people.² Madison was re-elected. In 1816, when the caucus met again³ to choose a successor to Madison, Henry Clay brought in a motion declaring the nomination of the President in caucus inexpedient, but his proposal was rejected ; a similar resolution introduced by Taylor of New York shared the same fate.

¹ R. Hildreth, *History of the United States*, VI. 65.

² Niles, III. 18.

³ In this caucus not only the members of the Congress took part, but also the delegates from the territories of Indiana and Illinois. The last named retired, from considerations of propriety, that the members of the caucus might decide in his absence whether delegates should be permitted to vote. One must believe that the question was decided in the affirmative, since the delegate from Indiana is found among those voting. (*Ibid.*, X. 59.)

The caucus adopted the candidature of Monroe, who was Madison's favorite, just as this latter was in a way designated to the caucus by his predecessor Jefferson. The majority obtained by Monroe was but slight (65 votes to 54), but as soon as the result was announced Clay at once requested the assembly to make Monroe's nomination unanimous.¹ Such was the weight which the decision of the majority of the caucus had with every member, it was considered binding in honor on him as well as on every adherent of the party in the country who did not care to incur the reproach of political heresy, of apostasy. Under cover of these notions there arose in the American electorate the convention, nay, the dogma, of *regular* candidatures, adopted in party councils, which alone have the right to court the popular suffrage.² Complying with this rule, the electors, who, according to the Constitution, were to be the unfettered commissioners of the people in the choice of the chief magistrate, and to consult only their judgment and their conscience, simply registered the decision taken at Washington by the Congressional Caucus.

The authority of the Congressional Caucus which got its recommendation accepted with this remarkable alacrity and made the "nomination" equivalent to the election, rested on two facts. On the one hand, there was the prestige attaching to the rank of the men who composed the caucus and to their personal position in the country. They represented in the capital of the Union the same social and political element, and in a still higher degree, which the members of the legislative caucus represented in the states, that is, the leadership of the natural chiefs, whose authority was still admitted and tacitly acknowledged. The elevation of Jefferson to the presidency, which it is the fashion to describe as the "political revolution of 1801," was in point of fact only the beginning of a new departure. Far from upsetting the old fabric at once, it installed democratic doctrines in governmental theories, but not in the manners of the nation; and a quarter of a century will be needed, with the exceptional aid of events of a non-political character, to draw the practical conclusions from these doctrines and theories and make them part of the political habits of the people.³ The latter still took its orders from the men who impressed it by their superiority and who naturally formed a somewhat exclusive and intimate circle.

¹ *Ibid.*

² Cf. the address of the legislature of New York already mentioned, Niles, III. 17; Matthew Carey, *The Olive Branch*, Philadelphia, 1818, Chap. 78, on the congressional caucus.

³ Josiah Quincy, in the picture which he has left of Washington society in 1826, remarks that "the glittering generalizations of the Declaration were never meant to be taken seriously. Gentlemen were the natural rulers of America after all" (*Figures of the Past*, Boston, 1883, p. 264).

The members of the Congressional Caucus and the members of the legislative caucuses of the states, or, to use Hamilton's expression, "the leaders of the second class,"¹ constituted in fact a sort of political family, and the latter spontaneously became the agents of the Congressional Caucus; they were, in the language of a contemporary, as "prefects" to it,² set in motion by a simple exchange of private letters.

Again, the members of the caucus represented the *force majeure* of the interests of the Republican party, which enforced discipline, which compelled obedience to the word of command from whatever quarter it proceeded. It was necessary to defend at all costs the republic and liberty, both of which the Federalists were supposed to endanger. The Federalist party soon succumbed, but the recollection of the dangers, real or imaginary, to which liberty and equality were exposed by it, survived it, and for many a long day was a sort of bugbear which the leaders of the victorious party had no scruple about using for the consolidation of their power. To prevent the Federalists from returning to the charge, the Republicans had to carefully guard against divisions, and it was to avoid them, to concentrate all the forces of the party in the great fight for the presidency, that the Congressional Caucus obligingly offered its services.

This system of intimidation was reinforced by an electoral method which made the minority absolutely powerless and gave the caucus an exceptional vantage-ground.

IV.

The Constitution having left it to the states to settle the mode of appointment of the presidential electors, the states took the opportunity to adopt a variety of systems; here the state was divided into as many districts as there were electors to be appointed, and each district appointed its own; there the citizens of the whole state voted for all the electors on a general ticket; finally, in several states the legislatures took the choice of the electors into their own hands. The first system allowed either shade of political opinion its proper influence, whereas the two last, which soon spread over the greater part of the Union, ruthlessly stifled the voice of minorities, or even enabled a minority to usurp the rights of the majority. Even in states where the district system was in force, the majority laid out the districts in such an arbitrary and irregular

¹ *Works*, VI. 444, and *passim*.

² Niles, XXVII. 38.

way (gerrymandering) that they included very slight majorities of its adherents, side by side with very large minorities of its opponents ; the districts were not always composed of adjoining territories, nor was their representation equal ; one elected one representative, while another would elect two, three, or four. It was the eternal craving for domination which in American political society, the first formally based on right, on the legally expressed will of the majority, adapted itself to the new circumstances : deprived of the use of brute force, it set up, from the very beginning, majorities and minorities seeking to circumvent one another by devices of vote-counting. The divergent views on the Constitution and its interpretation, which broke out from this early date, gave the sanction of principles and convictions, often sincerely held, to these efforts to supplant the other side by expedients of electoral legerdemain ; styling itself here " Republican party," there " Federalist party," the majority or the pretended majority everywhere tried to annihilate the minority in the name of the good cause.

To the cause embodied in the " party " was added another pre-occupation connected with a political prejudice which was one of the most powerful factors in the organization of the new republic and in its early life. This was the jealousy of the small states anxious to assert their " sovereignty " against the large, rich and populous states. The Federal Constitution, it is true, adopted a compromise which conciliated the small states by giving them representation equal to that of the larger states in the federal Senate. But the House of Representatives was composed of members elected in the states on the basis of population, and there, as well as in the college of electors, large states and small states confronted each other again as such. The states, even the large ones, which followed the district system, which elected their representatives by districts where the majority belonged now to one party and now to the other, could not help returning a mixed set of members, divided against themselves, incapable of reflecting the individuality of the state, while the states that chose their members on a general ticket, which prevented the different opinions in the state from coming out with their due weight, secured a homogeneous and compact representation. This being the state of affairs, the pious solicitude for the autonomy of the state sanctified, in its turn, the party greed which used the general ticket as a weapon for overthrowing competitors ; it became a measure of self-preservation necessary for safeguarding the position of the state in the Union. For these reasons some states which originally adopted the district system abandoned it for the general ticket. Virginia set the example from

the year 1800,¹ while condemning the general ticket in the preamble of the law which introduced it.

But the advantages offered by the general ticket for ensuring the supremacy of the party and the sovereign individuality of the state could be secured only on condition of the single list being regularly put into shape somewhere on behalf of the people which was to vote it; otherwise the desired concentration could never be carried out over the whole state. This being so, the Congressional Caucus and its local agencies had only to come forward; they undertook to prepare the lists, and the people accepted the duty of voting them. The general ticket called for the caucus, the caucus smoothed the way for the general ticket, and each made over to the other the rights of the people, the full and independent exercise of the electoral franchise. While the general ticket claimed to prevent the "consolidation" of the states, the caucus consolidated in each state power in the hands of a few. Moreover a dissentient presidential elector having no chance of being returned under the general ticket, the "imperative mandate" became logically and almost spontaneously the rule for the electors, to the advantage of the candidates adopted by the Congressional Caucus. Thus in the first and in the second instance, voters and electors both abdicated their independence.

Sometimes, when the electoral contest was particularly keen, and the issue seemed doubtful, the leaders of the caucuses, fearing that the defection of a few supporters might prevent these automaton-electors from securing all the popular votes necessary for investing them with the office, got the appointment of them transferred to the legislatures in which they commanded a majority made up of themselves. It was not uncommon for the electoral system to be changed on the very eve of the elections, the general ticket or appointment by the legislature being substituted, by a sort of legislative *coup d'état*, for the district system. Disregarding all principle and all rule, the party in power shuffled the electoral arrangements like a pack of cards to suit the convenience of the moment.²

These malpractices, as well as the chaos of electoral systems they brought with them, soon caused a revolt in the public conscience, and a movement was set on foot to demand a uniform and

¹ "To give Virginia fair play," as Madison, who was the principal author of the measure, expressed himself in a letter to Jefferson, who gave the measure his approval. (*Letters and other Writings of J. Madison*, 1867, II. 155).

² Thus for instance Massachusetts, which voted in the first three presidential elections on the district system, in 1800 exchanged it for appointment of the electors by the legislature, then, in 1804, decreed the general ticket, and in 1808 reverted to appointment by the legislature. North Carolina practised the district system down to 1804, and in 1808 substituted for it the general ticket which, in 1812, made way for appointment by the legislature.

really popular mode of election, on the basis of the district system. An amendment to the Constitution of the United States was to enforce it on the whole Union. Proposals in this direction had already been submitted on several occasions to Congress, starting in the year 1800,¹ but after the election of 1812 they became more common. In the proposals brought forward from 1813 onwards, almost every year, either in the Senate or in the House of Representatives, one of the principal arguments against the general ticket was that it encouraged or necessitated the regrettable practice of the caucus.² It was pointed out with sorrow that the caucus, combined with the general ticket, had destroyed the whole economy of the plan devised by the authors of the Constitution for the election of the President. To quote one of the many speeches delivered on these occasions and which, by the way, throws light on the whole problem of the permanent party organization in its relations with the electoral régime: "In the choice of the chief magistrate (by the electors) the original primary act was to be theirs—spontaneously theirs. The electors were free to choose whomsoever they pleased. . . . How hideous the deformity of the practice! The *first* step made in the election is by those whose interference the Constitution prohibits. The members of the two Houses of Congress meet in caucus, or convention, and there ballot for a President or Vice-President of the United States. The result of their election is published through the Union in the name of a recommendation. This modest recommendation then comes before the members of the respective state legislatures. Where the appointment ultimately rests with them, no trouble whatever is given to the people. The whole business is disposed of without the least inconvenience to them. Where, in *form*, however, the choice of electors remains with the people, the patriotic members of the state legislatures, vying with their patriotic predecessors, back this draft on popular credulity with the weight of their endorsement. Not content with this, they benevolently point out to the people the immediate agents through whom the negotiation can be most safely carried on, make out a ticket of electors, and thus designate the individuals who, in their behalf, are to honor this demand on their suffrages. Sir, this whole proceeding appears to be monstrous. It must be corrected, or the character of this government is fundamentally changed. Already, in fact, the

¹ The first proposals were brought before the House of Representatives on March 13, 1800, by Nicholas, then by Walker on behalf of the legislature of New York on February 15, 1802; by Stanley on behalf of the legislature of North Carolina on February 20, 1802; in the Senate by Bradley on April 16, 1802, etc.

² *Annals of Congress*, Thirteenth Congress, first session, speech of Pickens in the House of Representatives, January 3, 1814.

Chief Magistrate of the nation owes his office principally to *aristocratic* intrigue, cabal and management. Pre-existing bodies of men, and not the people, make the appointment. Such bodies, from the constitution of nature, are necessarily directed in their movements by a few leaders, whose talents, or boldness, or activity, give them an ascendancy over their associates. On every side these leaders are accessible to the assaults of corruption. I mean not, Sir, that vulgar species of corruption only, which is addressed to the most sordid of human passions, but that which finds its way to the heart, through the avenues which pride, ambition, vanity, personal resentment, family attachment and a thousand foibles and vices open to the machinations of intrigue. Their comparatively 'permanent existence,' and concentrated situation afford the most desirable facilities for the continued operation of the sinister acts. It is not in nature that they should long operate in vain; nor is it in nature that the individual elected by these means should not feel his dependence on those to whom he owes his office, or forego the practices which are essential to ensure its continuance, or its transmission in the desired succession. . . . I dare not promise that the adoption of this amendment by the states will put an end to cabal, intrigue and corruption in the appointment of a President. No human means can be adequate to that end. But I believe it demonstrable that this amendment will deprive cabals of facility in combination, render intrigue less systematic, and diminish the opportunities of corruption. . . . Faction cannot but exist, but it will be rendered tolerant." ¹

But the general ticket had its ardent defenders, who dwelt with vehemence on the dangers which the substitution for it of the district system would present from the standpoint of the rights of the states and the balance of power between the small states and the large ones.² At the same time some of the most virulent champions of the general ticket admitted the serious abuses which had crept into the presidential election by declaring, like Randolph, that the appointment of electors had become "a mockery—a shadow of a shade." But they insisted that the district system was no remedy, that the mischief lay not in the electoral system, but in the practice of the caucus: "Divide the state into districts, will that destroy the caucus? Oh, no; the men whose interests it may be to preserve the monster will still protect him. He will laugh at your vain attempts, and again and again trampling down the weak defences of the Con-

¹ *Annals, ibid.*, speech of Gaston, pp. 842, 843; see also the speeches of Gholson, same sitting; of R. King and of Harper in the Senate, March 20, 1816.

² *Ibid.*, Fourteenth Congress, second session; speech of Randolph, December 18, 1816; of Grosvenor, December 20, 1816; of Barbour in the Senate, January, 1819.

stitution, he will, as it shall please him, or rather as it shall please the existing Executive, make and unmake Presidents with the same ease as did the praetorian cohorts the masters of the Roman world. . . . No, Sir, let the majority of Congress cease to do evil. Let them scorn to be made the instrument of party, to elevate any man in violation of the Constitution. Let them meet no more in caucus. Thus, and thus only, Sir, can the object be accomplished.”¹ The partisans of the district system, on their side, persisted in asserting that the “so objectionable practice was inseparable from any mode of undivided vote,” that it was this which made the elector a machine set in motion by the caucus-ticket.²

From year to year these arguments were repeated on both sides, but the solution of the question made no progress. The House of Representatives—where the populous states, which derived additional power from the general ticket system or from the appointment of the electors by the Legislature, easily commanded a majority—systematically rejected all proposals for amending the Constitution. In the Senate, where the small states were represented on the same footing as the large ones, the district system met with a much more favorable reception. Three times the amendment obtained the constitutional majority in the states’ chamber, but it was never able to command two-thirds of the votes in the popular section of Congress. The fortress of the general ticket thus remained intact, and, under its shelter, the caucus continued its existence.

V.

Yet the external defences with which the general ticket encircled the caucus could not long protect it, for its own forces were giving way, the two great forces, social and political, of the leadership and of the categorical imperative of the party. They had been slowly but steadily declining almost from the beginning of the century which witnessed the elevation of Jefferson and the triumph of democratic doctrines in the theories of government. The annihilation of the Federalists put an end to the division into parties, and Jefferson’s famous remark, “We are all Republicans, we are all Federalists,” was destined shortly to represent the real state of things. The survivors of the Federalist party gradually fused with the Republicans, and when Monroe came into power, the old landmarks were definitively obliterated; the Constitution which had aroused so many passions and animosities now inspired every citizen with sentiments of admiration and adoration; under its aegis the country was ad-

¹ Speech of Grosvenor, quoted above.

² Speech of Pickens, December 18, 1816.

vancing with giant strides, released from all party preoccupation ; " the era of good feelings " had dawned in political life. And yet the Congressional Caucus, in putting forward its candidates, repeated the old refrain which exhorted the people to rally round them to confront the enemy, when there was no enemy ; it invoked the sovereign cause of the party when the " party " no longer had any particular cause and represented only a memory of the past. But the less the ruling politicians were separated by differences on points of principle, the more readily did their narrow circle become a field for intestine strife and for intrigue. Hardly had Monroe's second administration begun (in 1821) when they were seized with the " fever of president-making." Several candidatures arose ; all the candidates claimed to represent the firm of the Republican " party " ; each candidate had his friends in Congress, who intrigued and plotted for him, waging a secret and pitiless war on all his rivals. They would have been glad enough to back up their claims with principles, with " great principles," but no distinctive principles could be discovered, not even with a magnifying glass.¹ One of the candidates for the presidency, Crawford, hit upon another expedient : being Secretary of the Treasury in Monroe's administration, and disposing of a somewhat extensive patronage, of places and favors to bestow, he did not scruple to use them to secure adherents. These bargainings and cabals seemed to justify the complaints of the intervention of members of Congress in the presidential elections, so often made in the course of the periodical debates on the general ticket. The prestige of the leadership could no longer shield the practices which were indulged in at Washington, for this prestige was profoundly impaired ; it had been systematically undermined for a quarter of a century by the social and economic revolution which was going on in the American republic.

The politico-social hierarchy which Puritanism had set up in New England, and which was the outcome of an alliance between the magistracy, the clergy, property and culture, was collapsing. The eclipse of the Federalists, who were the living image of government by leaders, robbed it of one of its strongest supports. The influence of the clergy, which had been one of the main props of the Federalists, was being thrust out of lay society. On the other side of the Alleghanies, on the virgin soil of the West, a new world was growing up, free from all traditions, because it had no past ; instinct with equality, because its inhabitants, who were all new-comers, parvenus

¹ " Could we only hit upon a few great principles and unite their support with that of Crawford " (one of the candidates), wrote a Senator on his side, " we should succeed beyond doubt." *Martin Van Buren*, by E. M. Shepard, p. 92.

in the elementary sense of the word, resembled each other. And this country of the West was advancing daily in population, in wealth, and in political importance. The old states were also celebrating great triumphs, due to the marvellous rise of their commerce and their industry ; but their new prosperity acted rather as a dissolvent of the old order of things, it created a new class of rich men, composed of successful merchants and manufacturers ; these *nouveaux riches* supplanted the old ones, without, however, taking their place in the esteem and the reverence of the people. The rapid growth of the cities helped to destroy the old social ties. At the same time the individual was being directly urged by men and things to shake off the old servitudes, or what was represented to him as such. The triumph of Jefferson, in 1801, without effecting a democratic revolution in habits, gave an extraordinary impulse to the propaganda of democratic ideas, made them the object of an almost ritual cult. Politicians vied with each other in repeating that the voice of the people is the voice of God, that before the majesty of the people everything should bow. Writers popularized and gave point to these ideas. In pamphlets composed for the farmers and the mechanics they preached a crusade against "money power," banks, judges appointed by the government, and against all the other aristocratic institutions, the mere existence of which was an insult to the sovereign people.¹

The lesson which the American citizen learnt from things was not less stimulating. Material comfort was increasing with unprecedented rapidity. The series of great inventions which marked the beginning of the century, the steamers which sped to and fro over the vast republic, at that time richer in large rivers than in roads, the natural wealth which sprang from the soil, gave each and all a share in the profits of the economic revolution. Endless vistas of activity opened before every inhabitant of the Union ; the soul of the American citizen swelled with pride, with the confidence of the man who is self-sufficing, who knows no superiors. The political sovereignty which was conceded to him with so much deference soon appeared to him as a personal chattel. And then to exercise his proprietary right over the commonwealth, he had no need of another person's intelligence ; was it necessary for his success in private life ? The leading citizens, therefore, who in Congress or in the legislature of his state, meeting in caucus, dictated to him his line of conduct, the choice of his representatives, became a set of

¹ Cf. W. Duane, *Politics for American Farmers*, being a Series of Tracts exhibiting the Blessings of Free Government as it is administered in the United States, compared with the boasted stupendous Fabric of British Monarchy. Washington, 1807.

usurpers in his eyes. Jealous of their pretended superiority, he grew impatient of their domination.

The small group of these trained politicians, assembled in the capital of the Union, was now plunged in intrigues aiming at the chief magistracy of the republic, and these intrigues were about to have their *dénouement* in the Congressional Caucus, if the established precedent were followed on this occasion again. Would it be followed? Would they dare to do it?—were questions asked in various quarters. And before long the Union became the scene of a violent controversy about the next meeting of the Congressional Caucus; it was discussed in the press, it occupied the public meetings, the state legislatures voted resolutions upon it. One of the candidates for the presidency, Andrew Jackson, who was not a politician, and who was in more than one respect a *homo novus*, could count but little on the favor of the Congressional Caucus; so his electoral managers came to the conclusion that to make his success more certain it was indispensable to overthrow the caucus, and they therefore took an important part in the campaign started against it.¹ Most of the numerous manifestations of public opinion were hostile to the caucus. Its advocates urged in its behalf the plea of the “ancient usages and discipline of party,” and strove to prove that it was useful as a means of maintaining the harmony of the Union, and of counteracting the centrifugal tendencies of local competitions, that it represented the country as a whole, etc. But the voices which denounced it as the centre of an oligarchic clique, or as “a powerful machinery confined in the hands of a few presumptuous demagogues,” etc., were louder. The greater part of the press was antagonistic to the caucus,² and some of the journals, with Niles’s *Register* at their head, led the campaign against it with extraordinary vehemence. The worthy Niles wrote: “‘As my soul liveth’ I would rather learn that the halls of Congress were converted into common brothels than that caucuses of the description stated should be held in them. I would rather that the sovereignty of the States should be re-transferred to England, than that the people should be bound to submit to the dictates of such an assemblage. But the people will not succumb to office-hunters. . . . The great mass of the American people feel that they are able to judge for themselves ;

¹ On this point we have the evidence, not to say the avowal, of Jackson’s principal election agent, Major Lewis, in the *Narrative* which he supplied to Parton, Jackson’s biographer (*Life of Andrew Jackson*, III. 21).

² According to Niles, out of 35 Virginian journals only three were for the caucus, in Ohio one journal in 48 was favorable, in New York ten out of 125, in Pennsylvania three out of 100, in Maryland two out of twenty, in Vermont two out of thirteen (*Register*, XXVI. 99).

they do not want a master to direct them how they shall vote.”¹ The popular meetings almost without exception condemned the nominations made by the caucus as a flagrant usurpation of the rights of the people.² The state legislatures were more divided. In the East the legislative caucuses of New York, Maine and Virginia pronounced for the old practice of nomination by members of Congress,³ but in Maryland and in some states of the young West the caucus was rejected with indignation by formal votes of the legislatures in official session. At the head of these states of the West was the state of Tennessee, General Jackson’s native country. The local legislative caucus hastened, in August, 1822, more than two years in advance of the election, to record a vote recommending him for the chief magistracy. Then the legislature of the state, acting in its official capacity, passed resolutions energetically condemning the practice of the Congressional Caucus and communicated them to all the legislatures of the Union.⁴ The reception given by these latter to the intervention of their sister of Tennessee was not of the warmest; the great majority of the legislatures abstained from considering the communication; in others, except in a few cases, it was received rather with disfavor.⁵ Tammany Hall

¹ *Ibid.*, XXI. 339.

² Among these many meetings should be mentioned a “numerous meeting” of citizens of Cecil County, Maryland, of September 4, 1823, and a “numerous and respectable” meeting of citizens of Jefferson County, Ohio, of December 2, 1823. Their resolutions with long-winded preambles and expressing identical views present a significant contrast in tone and reasoning; those of the old Maryland in the East (see Niles, XXV. 40) bear the stamp of labored legal argument, while the language of the young state of the West, overflowing with enthusiasm, pays no heed to all the “whereas,” and bluntly proclaims: “The time has now arrived when the machinations of the *few* to dictate to the *many*, however indirectly applied, will be met with becoming firmness, by a people jealous of their rights. . . . the only unexceptional source from which nominations can proceed is the people themselves. To them belongs the right of choosing; and they alone can with propriety take any previous steps” (p. 4 of the report of the meeting, published in pamphlet form).

³ Hammond, II. 129; Niles, XXIV. 139; XXV. 292, 370.

⁴ In this document the arguments against the Caucus are summed up under five heads, as follows: 1. A caucus nomination is against the spirit of the Constitution. 2. It is both inexpedient and impolitic. 3. Members of Congress may become the final electors, and therefore ought not to prejudge the case by pledging themselves previously to support particular candidates. 4. It violates the equality intended to be secured by the Constitution to the weaker states. 5. Caucus nominations may in time (by the interference of the states) acquire the force of precedents and become authorities, and thereby endanger the liberties of the American people” (*ibid.*, XXV. 137-139).

⁵ See especially the message of Governor Troup of Georgia to the legislature, and the decision of the senate of the state of New York (Niles, XXV. 293, 323). The first-mentioned expressed himself somewhat harshly about the step taken by the Tennessee legislature: “What precise and definite meaning the legislature of Tennessee designed to attach to the word caucus, I cannot conceive,” says the governor. “It is not an English word—it is not to be found in our dictionary, and being an uncouth word,

came out straight for the caucus, by passing a resolution: "we do seriously desire a congressional caucus . . . as the system of caucus nominations by Congress and by the legislature has, heretofore, sustained us in adversity and contributed to our triumph." But in the popular meetings, and in most of the newspapers, the attacks on the caucus continued without intermission.

VI.

In Congress the intrigues of the rival factions also continued; the friends of all the candidates, excepting those of Crawford, resolved to take no part in the caucus, for if they attended it, they would be obliged, in pursuance of the non-written law of caucuses, to bow to its decision, were it voted by a majority of one only, and to give up their favorite candidates at once; in any event, if no candidate obtained a majority in the caucus, as was becoming probable owing to the multiplicity of candidatures, they would all issue from it with lowered prestige. A preliminary canvass had proved that two-thirds of the Republican members of the Congress refused to meet in caucus; Crawford's partisans none the less persisted in convening it. By way of meeting the reproaches which were levelled at the caucus of being a "Jacobinical conclave," its organizers decided that it should be held in public. It took place on the 14th of February, 1824, in the hall of Congress. Directly the doors were opened an enormous crowd thronged into the galleries, but on the floor of the brilliantly lighted chamber the seats of the members of the caucus remained almost empty. At last it was ascertained that of two hundred and sixteen members summoned, sixty-six had responded to the appeal.¹ Crawford obtained an almost unanimous

and of harsh sound, I hope never will. It is not to be found in either the constitution or laws of Tennessee, and being a mere abstract conception, cannot become a subject of legislation at all. The paper evidently refers to a contemplated meeting of the members of Congress to influence a decision of a certain question. Can any act of the legislature of Tennessee affect the persons of members of Congress or others at the city of Washington? There it has no more jurisdiction than it has beyond sea. Members of Congress, like all other officers of government, stand in two relations to society, the one public, the other private—they forfeit nothing of their rights by assuming public duties. . . . It is thus that legislatures, on the eve of great elections, stepping aside from their legitimate province, enter the field of contention, inflame the angry passions, making contentions more fierce, and the tumult more boisterous" . . .

¹ Niles, who was among the spectators, published a report of the caucus in his paper: . . . "The great hall of the House of Representatives was brilliantly lighted up, and here and there a member was seated and every now and then we saw another in the vast distance as if seeking the sheltering shadow of a friendly column. 'Adjourn, adjourn,' said several of the crowd in the gallery, perhaps loud enough to be heard in the caucus *below*, but others said 'go on,' and one added, 'let us see them commit political suicide, and destroy their friend.' Some wondered at the thinness of the meeting, and one man seemed quite distressed about it, for indeed it was a sorry sight." . . . With-

vote, but it was that of a small minority of the party only and the result simply proved the inability of the caucus to effect the concentration which was its *raison d'être*. Nevertheless it issued a long manifesto to demonstrate the necessity of persisting in the old practice and to warn the public of the disastrous effects likely to ensue from its abandonment, which would not be confined to the election of the President and the Vice-President, but would shatter the whole existing system of nominations to elective offices and ruin Republican ascendancy. The signatories of the manifesto insisted that no less a matter than the "dismemberment or the preservation of the party" was at stake.¹ Salvation therefore lay in the maintenance at all hazards of the traditional organization of the party.

The manifesto made no impression on public opinion, and the champions of the caucus soon had to withstand a great onslaught which was made on them in Congress. The handle for it was given by the everlasting question of the electoral régime, of the general ticket, or the district system. A long discussion arose in the Senate, which was transformed almost immediately into a passionate debate on the caucus. In the preceding discussions the caucus had been placed in the dock as the accomplice of the general ticket; now it was its own case which came before the court. Rufus King, one of the survivors of the generation which had founded the republic, opened fire with a long indictment of the "new, extraordinary, self-created central power, stronger than that of the Constitution, which threatens to overturn the balance of power proceeding from its division and distribution between the states and the United States," to degrade the legislature, to hand over the government to coteries of men "regulated by a sort of freemasonry, the sign and password of each at once placing the initiated in full confidence and communion with each other in all parts of the Union," etc.² In supporting Rufus King's attack, other senators protested against the assertion that the recommendations of the caucus were but a simple expression of opinion of private citizens, and that they committed nobody. It was precisely the influence attaching to their capacity of members of Congress which was the foundation of the Congressional Caucus, according to its opponents. And, in fact, they added,

out any consideration at all (of the candidatures) "the members of Congress and caucus were summoned by states, to give in their votes, tellers being appointed to count them. . . . When the proclamation was made some 'Buckingham' in the gallery induced two or three persons to clap their hands, as much as to say, 'long live Caucus,' but a pretty general hiss came out at nearly the same moment." (*Register*, XXV. 405.)

¹ *Ib d.*, 391.

² *Annals of Congress*, Eighteenth Congress, first session, sitting of March 18, 1824, pp. 355-362.

can it be maintained that the meetings which take place in the hall of Congress with their chairman in the Speaker's chair and the officers of the House at the doors, are meetings of private persons? It would be arguing like the priest who, when insulted on his way to church, threw off his gown exclaiming, "Lie there, *divinity*, until I punish that rascal;" and then, "having, in his private capacity, inflicted the chastisement, resumed the character of clergyman and proceeded to preach up charity and forgiveness of injuries, love to God and good-will towards man."¹ The perpetuation of the Congressional Caucus will open the door to the greatest abuses and to corruption. "It is an encroachment on the sovereignty of the people, the more alarming, inasmuch as it is exercised in the corrupt atmosphere of executive patronage and influence. Make me President, and I will make you a Minister, or Secretary, or, at all events, I will provide you with a good berth, suited to your wants if not to your capacity. . . . The President and Congress were intended by the wise framers of the Constitution to act as checks each upon the other, but by the system at present practised, they lose the benefit of this salutary provision."²

The defenders of the caucus, far more numerous in the Senate, took rather a high tone with its opponents. There was nothing, they declared, new-fangled in the caucus system, "it originated with the Revolution itself. It was the venerated S. Adams or his father who first suggested it. Was there any intention to recommend a man who was abhorrent to the people? If the people are united in favor of another man, the recommendation would not weigh a feather. The old adage is that by its fruits the tree shall be known. What has been the result of this practice for the last twenty years? Has your Constitution been violated? Is not our happy situation an object of congratulation? Is not every nation which is striving to break the fetters of slavery, looking to us as the landmark by which they are to be guided? These are the fruits of this system, which has been followed, in relation to the presidential election, from 1800, up to the present day; which has been sustained by the people; and which has some of the greatest names of the country to support it."³ The attacks on the caucus were due rather to the rancor of a defeated party or to personal considerations. "It was by the caucus," said Senator Noble, "that the power then in the hands of Federalists was dislodged, and from my youthful days I said Amen! and so I say now."⁴ Developing this

¹ *Annals*, *ibid.*, p. 382, speech of Hayne.

² *Annals of Congress*, Feb., pp. 412, 413, speech of Branch.

³ *Ibid.*, 391, 392, speech of Barbour of Virginia.

⁴ *Ibid.*, 374.

idea, the president of the last caucus, Smith, declared in his turn that it was by the caucus that the Republican party had been brought into power. "The bridge which has carried me safe over, I call a good bridge. . . . I act as a party man and have no hesitation in saying that I wish to keep my party in power; that I believe the caucus system is the most effectual means; and that when we cease to use it, we shall thereby deprive ourselves of one most powerful instrument. . . . In a government like ours, where many of our great officers are elected, there must be some mode adopted whereby to concentrate the votes of the people. The caucus system is certainly the best. For the presidency, for instance, is it not rational to suppose that the members of Congress have better opportunities of knowing the character and talents of the several candidates than those who have never seen them and never acted with them? However, the caucus mode is denounced, and now let us see what is to be substituted."¹

The debate lasted for three days; more than twenty speakers took part in it. At last the Senate, wearied out, adjourned the discussion *sine die*. But it was clear to every one that the verdict had been given, that the Congressional Caucus was doomed. After the fiasco of the last meeting of the caucus, from which two-thirds of the Republican members of Congress absented themselves, the great debate in the Senate gave it the finishing blow. "King Caucus is dethroned," was said on all sides. And it made no attempt to recover its sovereignty; the animadversion which it aroused in the country was too great.

VII.

As the authors of the manifesto issued on behalf of the last Congressional Caucus had foreseen, its collapse entailed that of the whole system of nomination for elective offices by caucuses. The legislative caucuses in the states had also to retire before the rising democratic tide. Their ranks had already been broken into before the explosion of democratic feeling which began with the third decade of this century. In the legislative caucuses composed only of members of the party in the legislature the districts in which their party was in a minority were left unrepresented, and yet decisions were taken in them which bound the party in the whole state; sometimes, even, the caucus represented only the minority of the party in the state. To meet the complaints made on this score, the caucuses decided, towards the latter part of the first decade, to take in delegates elected *ad hoc* by the members of the party in the districts

¹ *Annals of Congress, ibid.*, 395-398.

which had no representatives in the legislature. In this way a popular element was introduced into the oligarchical body of the caucuses and with powers expressly conferred. It mattered little that this innovation was not due, in the first instance, to the feeling that the caucus was usurping the rights of the people, but to the fact that it did not provide the party with a materially complete representation. The gap was made, and it was destined to go on widening until the whole people could enter by it. Rhode Island is perhaps the first to supply an example of a "mixed" caucus, about the year 1807, for the nomination of candidates to the high offices of the state.¹ The following year we see it introduced into Pennsylvania, after a campaign in which the proposal to entrust the nomination of the candidates to special delegates did not find much favor with the population, which held that the sending of delegates would cause "trouble and expense" and divisions in the party into the bargain. It was the Republican caucus which, to silence the rival faction, itself invited the counties represented by non-Republicans to send delegates on the basis of local representation to the legislature, to join with the Republican members of the legislature in nominating candidates for the posts of governor and lieutenant-governor. The first mixed caucus met on March 7, 1808, at Lancaster.² The violent strife of factions which filled the political

¹ *The Development of the Nomination Convention in Rhode Island*, by Neil Andrews. The author of this interesting study fixes the date of the first mixed caucus at 1810; but the quotations given by Mr. Andrews from the *Phenix* of February 14 and March 7, 1807, referring to the "General Convention of the Democratic Republicans of the State of Rhode Island," seem to me to indicate that a mixed caucus was there referred to, and not a pure caucus, since further notices, which explicitly mention the participation of delegates, designate these gatherings by the same term, general convention, even emphasizing the word *general* and adding: . . . "therefore desired to elect delegates." . . .

² "Pennsylvania Politics Early in this Century," by W. M. Meigs, in *Pennsylvania Magazine of History and Biography*, Vol. XVII., Philadelphia, 1894. According to Mr. J. S. Walton (article cited above on the "Nominating Conventions in Pennsylvania") a mixed caucus for the nomination of electors was held early in 1796, while in 1800 they were again nominated in a "pure caucus." This last statement is, without doubt, an error. As a matter of fact, there was no opportunity in 1800 to nominate electors in either a pure or a mixed caucus, for the very good reason that they were *appointed* by the legislature in its official capacity, by a joint vote, as in so many other states, in which the legislature assumed the *legal* right to choose the electors. This *appointment* of the electors by the legislature of Pennsylvania in 1800, was the result of the following circumstances: the law which provided for the choice of the electors by the people, on a general ticket, expired before the presidential election of 1800, and was not renewed by the legislature, nor was a new law enacted, for the two houses—the Senate being Federalist and the House Republican—could not agree upon a method of choosing the electors. The legislature adjourned without coming to any decision, and Pennsylvania seemed about to be deprived of her vote in the approaching presidential election. Governor McKean thereupon called an extra session of the legislature for November, 1800, and after a good deal of squabbling the houses united upon a list of electors, seven of whom were selected by the Senate and eight by the House.

life of Pennsylvania produced in about ten years a new variation in the constitution of the bodies which made the nominations of the candidates. The sharp attacks of the faction of the "Old-school Democrats" on the "intrigues of the Executive, and of his servants the Assemblymen," decided their rivals to summon, in 1817, at Harrisburg, a popular convention of delegates from the counties, in which the members of the legislature were to sit only in the absence of special envoys from their county. The name of convention, which, from the very beginning, was used to designate gatherings of citizens from several places, or "general meetings," became in the meantime the regular appellation of the representative meetings of delegates. The Harrisburg convention was attended by sixty-nine delegates and forty-four members of the state assembly.¹ The "mixed caucus" thus made room for the "mixed convention," the principle and basis of which were of a popular nature, and to which the members of the legislature were admitted on a subsidiary footing only. Very often they received a quasi-mandate to this effect: the populations, who did not care about choosing special delegates, "authorized" their representatives in the legislature to sit in their stead; or, again, the convention admitted them by a special vote, they were "voted in as members."² The mixed convention was destined to be replaced eventually by the pure convention, composed solely of popular delegates elected on each occasion *ad hoc*. This last form of convention gave a definitive and permanent form, in party government, to the principle and the practice of the authority delegated by the people, the haphazard antecedents of which we have seen arise at the dawn of the American Republic, in the conferences of delegates of the townships of the county, or of delegates of several counties, or even in the sporadic conventions of state delegates. The first pure convention was organized in Pennsylvania in opposition to the first mixed convention of Harrisburg, and on the same day, by the rival faction, which declared beforehand that the Harrisburg convention was only a "mongrel caucus," and convened its own at Carlisle.³ Yet the "mongrel caucus" won the day and it was not till 1823 that both parties adopted the system of pure conventions.

In most of the other states the legislative caucus disappeared more slowly. In the state of New York the democratic society of Tammany demands, as early as 1813, the summoning of a con-

¹ M. Carey, *The Olive Branch*, 1818, p. 462.—Meigs, the article just quoted.

² This procedure was followed in Rhode Island, in 1825. See Neil Andrews, *op. cit.*

³ Meigs, *loc. cit.*; Walton, *loc. cit.* For the nomination of presidential electors precedents are found of pure conventions in Pennsylvania, even before 1817.

vention of delegates for the nomination of candidates for the posts of governor and lieutenant-governor. But no effect is given to this recommendation; the legislative caucus holds the field. The first mixed caucus appears in New York, as a party move, only in 1817, and in 1824 it is still the caucus which makes the state nominations.¹ But in the course of the same year the conventions of delegates started by the convention of Utica, which was "called to put down the caucus," are permanently established. "The whole caucus system," as was proclaimed at this convention, "had been execrated deep from the hearts of the people. A tone of indignation and disgust at it had gone forth in the land. It could no longer stand."² In Massachusetts it is only in 1823 that special delegates are added to the members of the legislative caucus.³ In Rhode Island, where the participation of popular delegates in nominations made by the members of the legislature was introduced at an early stage, the people show no readiness to depute their delegates. In 1824 it appears that barely a few towns responded to the appeal to send delegates; that in a convention of more than seventy members there are not more than twelve or sixteen who have been really elected.⁴ In several states the pure legislative caucus continued to make the nominations of governor and lieutenant-governor even for some time after 1824.

These facts, which show how great the popular inertia, the force of habit, or the prestige of the leadership, were in face even of the rising tide of democracy, explain in a concrete way how the Congressional Caucus was able, in spite of the attacks made on it, to hold its own for no less than a quarter of a century and wield its oligarchical power, with the aid of a few small groups of men scattered throughout the Union. But if democratic feeling did not at once become an irresistible force, if it did not advance by leaps and bounds, it none the less accumulated in the mind of the nation by a daily, hourly process, while the legislative caucus, giving birth to the mixed caucus and the mixed convention, was itself paving the way for new *cadres*; only an accident was required to make the pent-up force explode and shatter the old ones. This accident was the fall of the Congressional caucus of 1824, which sheltered the

¹ Hammond, I. 437; II. 156.

² *Two Speeches* delivered in the New York State Convention, September, 1824, with the Proceedings of the Convention, New York, 1824, p. 11.—Cf. the *Autobiography* of Thurlow Weed, Boston, 1883, p. 117, who says that the convention which met at Utica in August (September 24?), 1824, was the beginning of a new political era.

³ Niles, XXIII. 343. And even this mixed caucus did not make state nominations, but busied itself with the impending nomination for the presidency of the Union.

⁴ Neil Andrews, *op. cit.*

old leadership, which supplied it with a centre of action. And its collapse was all the more complete that the "party" on which it leaned had long since lost all vitality, having no longer any distinctive principles or object and aim of its own.

It was, indeed, a double crisis: the democratic revolt was accompanied and stimulated by the crisis of party, the first one of great moment which the American Republic had experienced. The democracy came in to stay, and its purpose has incontestably aided the development of the great commonwealth of the new world. The party crisis was transitory and left behind it no lasting benefit for the republic. The shattered parties were to form anew, but the disease which destroyed them, about 1824, was destined to reappear and to fall upon their successors, more than once, not so much because of new political problems raising new differences of opinion, as because of the old mental habit which prevented a ready adaptation to the changes of time and circumstance. This habit was the notion of *party regularity*. The congressional and legislative caucus developed and strengthened it as a microbe is developed in the organism. An examination of the effects of the caucus, made at the present time, under the perspective of by-gone years and events, would seem to show that the attacks directed against it of old were not sufficiently justified. The indictment of the congressional caucus was, undoubtedly, to a certain extent made up of constructive charges. The exasperation of personal and party strife, as well as the ardor of the democratic spirit with its exuberance of youthful vigor, had inevitably exaggerated, or at least anticipated, certain abuses of the caucus. In particular the alleged prostitution of patronage, and the bargaining between the Presidents and the members of Congress, which were painted in such sombre colors, do not seem to have presented a grave aspect, however justifiable may have been the apprehensions with regard to the future. Intrigues were not entirely absent from the proceedings of the caucus, but they do not appear to have given rise to actually corrupt practices. The personages raised to the presidency by the caucus were not so much its creatures as men designated beforehand by public opinion, or by a very considerable section of it, owing to their great services and their character. The untoward effects which the caucus really produced and which were destined to weigh heavily on the whole future of the republic consist in having established disastrous precedents and habits of mind which American political life has never been able to throw off; nullifying the scheme devised by the framers of the Constitution for the presidential election and transforming the electors into lay figures, the

caucus has made the chief magistracy of the Union an object of wire-pulling ; and to get its scheme sanctioned by the people, it has implanted within them a respect for party conventionalism, for its external badge, has drilled them into a blind acceptance of *regular nominations*.

This last point was by no means overlooked by the antagonists of the Congressional Caucus, and they laid stress on it with great distinctness and energy. As early as at the time of the first great revolt against the Congressional Caucus, provoked in 1812 by the followers of DeWitt Clinton, the very remarkable address issued by them and which has been already referred to, not only protested against caucus nominations as opposed to the sovereignty of the states and the rights of the people, which were thus usurped by an oligarchy, but denounced them with equal vigor as dangerous "to the freedom of election." "Even now," said the address, "acquiescence in the *regular nomination at Washington* is by many considered as the touchstone of republicanism. The individuals or the states that dare to exercise the right of independent choice are denounced as schismatics and factionists ; and if already an innovation so recent and so flagrant be called the *regular nomination*, what will be its influence should time and repetition give it additional sanction ? . . . Should the practice become inveterate we do not hesitate to say that to promulgate a nomination will be to decree the election." The same moving chord was struck in the last campaign against the caucus, that of 1823-24 : "The charm of a 'regular nomination shall no more have influence upon us ; and no candidate shall receive our support who pretends to have any other reliance than his own intrinsic merits. . . . That system, in direct violation of our sacred federal Constitution, is to give to our members of Congress the power of nominating, or what amounts to the same thing under the binding authority of their proceedings in caucus, the power of electing our presidents.'" ¹

But such were the expressions rather of a few isolated voices, and they were lost in the din of the more effective appeals addressed to popular opinion, to the prejudices of the hour, more especially to the solicitude for the sovereignty of the states and the independence of the Legislative from the Executive and his power of patronage, and above all to the democratic jealousy of the masses. The objects of these sentiments appeared to have more of concrete reality than

¹ Resolutions of a convention of Republican delegates for the several towns in the county of Madison, N. Y.; Niles, XXV. 130, 131, October, 1823. The resolutions of the legislature of Tennessee, which were sent to all the states, are equally illustrative of the point under discussion.

had the autonomy of the political conscience, and it was not adequately realized that state sovereignty and the sovereignty of the people would be but snares, words devoid of meaning, if "freedom of election" were stifled by *party regularity*. At the present time there is no longer any struggle or controversy about state sovereignty; the people have nothing further to fight for in the American republic, democracy is acknowledged absolute master. But the cry: "The charm of a regular nomination shall no more have influence upon us, and no candidate shall receive our support who pretends to have any other reliance than his own intrinsic merits," this cry has lost nothing of its timeliness and reality. It has remained a legacy to be discharged by the American democracy. The efforts that the latter will make to pay it off and to do honor to its name will form one of the most moving of dramas, and one whose vicissitudes will be followed with bated breath by contemporaries no less than by the future historian.

M. OSTROGORSKI.